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FILED

MAY 11 2012

**SECRETARY, BOARD OF
OIL, GAS & MINING**

May 11, 2012

Utah Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114

Attn: James T. Jensen,
Board Chairman

Re: Amended Request for Agency Action
Docket No. 2012-020
Cause No. 139-92

Ladies and Gentlemen,

Berry Petroleum Company has proposed the establishment of two 1280 acre drilling units for horizontal wells for production from the Uteland Butte Member of the Lower Green River Formation. Ute Energy Upstream Holdings LLC owns a 25% working interest within and adjacent to both of the proposed 1280 acre drilling units and we strongly support Berry's Request for Agency Action as set forth in Docket No. 2012-020, Cause No. 139-92. *We encourage the Board to approve Berry's application in its entirety.* Horizontal wells within the Uteland Butte is a significant and exciting new exploratory model in the Uinta Basin and all efforts by Operators should be encouraged so that we can continue to work towards a complete understanding of this formation and how to maximize our economics and drill successful wells.

We appreciate the opportunity to comment on this matter. Please notify my office if you have any questions or require further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Kalstrom", with a long, sweeping flourish extending upwards and to the right.

Todd Kalstrom
Vice President of Land and Business Development

Cc Berry Petroleum Company/ Joe Judd
Holland & Hart/ A. John Davis